

**BACKGROUND TO PROPOSED DALE FARM EVICTION SUBMITTED ON
REQUEST TO THE UN ADVISORY GROUP ON FORCED EVICTIONS
FOR ITS MEETING IN CHINA ON 4 NOVEMBER 2008 THROUGH APPOINTED
EXPERT JOSEPH JONES, SECRETARY OF THE GYPSY COUNCIL:-**

A: Threat of Eviction

• **Issues on the city, communities and families threatened with eviction**

1. Name and location of community threatened with eviction
Dale Farm, Crays Hill, Essex CM11 2YH, England, UK
3. Background on the city (size, location, etc.)
Basildon, in the county of Essex, population 165,000, created in 1946 as a post-war New Town to help house families in East Londo and south Essex, many of whom were at the time living in substandard homes.
4. Estimated number of families affected
There are approximately 90 families facing eviction. The official count in January 2008 was 132 living-units, comprising chalets, mobile-homes and trailer caravans.
4. Brief description of families background
The families are Travellers of Irish heritage, with a small minority of Romanies, about 85% born in Briain and with British citizenship. Both Travellers and Romanies (English Gypsies) are recognized as an ethnic minority under the Race Relations Act.
 - **The case**
5. Background and history to the case
Dale Farm has existed since the 1960s, families first buying land at the Oak Lane End.

Up to 1996, some forty properties (onown as yards) were granted planning permission by the then Labour controled Basildon District Council. After that year, following installation of a Conservative administration no further perimits were granted.

Meanwhile, due to the passing of the Crimina! Justice Act which increased the powers of the police to move on and evict Travellers (under s62) and the fact this legislation removed the duty on local authorities to provide municipal caravan parks - and due also to population growth at Dale Farm - a number of families moved onto a large former scrap-metal yard. This was purchased and subdivided into some 52 yards.

Basildon District Council refused applications for planning permission and issued Enforced orders, banning development.
6. Minimum information on the legal grounds of the case
Appeals have been mounted against the refusal of planning permission and two Public Enquiries have been held. Basildon Council in 2005 voted to use Direct Action to evict all the families (with a budget of five million Euro to carry it out) but an Injunction was obtained to prevent this and a Judicial Review was held in the High Court. The judge disallowed the eviction and laid down that welfare of the famílies must be considered. Basildon has appealed against this decision

and a hearing is to be held in the Court of Appeal on December 5 and 6.

7. Reasons given for the eviction (official and other)

Basildon Council justify the decision to evict on the grounds that the development is within the green belt zone. But this decision has been labelled "racially tainted" and disproportionate by the Labour Party and by the smaller Liberal Party in Basildon. Both point out that Basildon is building 16,000 new houses and that many of these will go up on green belt land so why not let the Travellers do the same for their homes.

8. The main events that have taken place so far (with dates)

Notice of eviction given in July 2005, stopped by an Injunction followed by High Court ruling against eviction on 8 May 2008. On 11 November 2008 Basildon Council will again consider

enforcement options. 5 - 6 December hearing in the Court of Appeal. Meanwhile Dale Farm Housing Association has erected a small community building known as the Saint Christopher

Centre, used as a youth club and to be developed as a school for some 50 children not attending local secondary schools due to racial bullying (80 children attend primary school). The

Basildon Council wanted to remove the centre, which is also used as a chapel (residents are Catholic) but this has been prevented by an Injunction and pending Judicial review.

9. Names of authorities implementing the eviction
Basildon District Council

- The answer to the eviction

10. Level of organisation of the affected community (including names of organisations, their approach, strengths and weaknesses)

The community is represented by the Dale Farm Housing Association, which has approximately a hundred paid up members representing all the 52 yards. The DFHA is linked to the Gypsy

Council (national body set up 1966). The DFHA has set up the Saint Christopher Centre with a grant from the Essex County Council, and runs meetings, workshops, youth club and other

activities. The building is to be used for a high-tech educational programme for the older children and adults by Prof Stephen Heppell, of Anglia Ruskin University, known for his pioneering

educational programme around the world (Jamaica, Sri Lanka etc). The Centre serves as a chapel when a novena was recently held by the mothers.

11. Names of supporting agencies working in alliance with the affected community

Advocacy Project, Washington DC; Gypsy Council (see above), Irish Travellers Movement (Ireland and UK sections), International Alliance of Inhabitants, European Roma Information Office,

European Roma and Travellers Forum (Strasbourg), International Romani Union (Belgrade), Traveller Law Reform Project (Linked to All Parliamentary Traveller Law Reform Group)

12. Actions taken so far by the community and/or supporting agencies to resist the eviction and / or to develop creative, alternative solutions

The community has through its legal representatives, Davies Gore Lomax, and planning solicitor Brian Cox, contested many Enforcement Notices, submitted numerous Planning

Appeals, obtained several Injunctions preventing eviction, and removal of Saint Christopher Centre. It has obtained a Judicial Review (see above) and will contest the appeal in the Court

of Appeal on 5 and 6 December. In addition it has submitted a Planning Application for land at Pitsea (also in Basildon) which was recommended by then Deputy Prime Minister John

Prescott as a site for an alternative for the families at Dale Farm. This application was refused by Basildon. An appeal was entered. The East Anglian Regional Assembly, based on

Government policy in the 2004 Housing Act, has recommended that Basildon provide some 85 plots or yards for Traveller families now without legal homes. The Dale Farm families

would like Basildon to legalise their present homes (at no cost to the taxpayer) but as a last resort would be willing to move to new caravan parks provided by other councils (but these are not expected to be provided before 2011).

13. Consultations held and alternative housing and/or compensation offered by the authorities to the affected community (if any)

A number of consultations have been held, and numerous presentations made to Basildon Council, at staff officer level and at public enquiries.

Basildon Council has stated to the High Court that it will not provide any family at Dale Farm with an alternative place to live. Indeed it has already evicted some 25 families

from their own land in other parts of the district, and last summer moved on some 20 families camping without permission on farmers' land. Dale Farm families have submitted a Joint

Homeless Application asking to be re-accommodated on the basis that the eviction would render them homeless. But this, together with some 29 individual homeless applications, has been rejected.

- Follow up

14. Strategies for future action discussed / developed / proposed to deal with the threatened eviction

The strategy is based on presenting our case at the Court of Appeal on 5 and 6 December. If the Court rules against us we shall apply to appeal to the House of Lords, and if again we fail we shall take our case to the Court of Human Rights in Strasbourg.

15. Important events anticipated (e.g. dates set for eviction, planned actions, court cases, development of alternatives, etc.)

As mentioned above, on 11 November the Development Control Committee of Basildon Council will again consider its enforcement options. But it is not permitting us to speak at this hearing, as the meeting will be in camera (most unusual). The British National Party is canvassing for votes in the area with eviction of Travellers and Gypsies as part of its agenda.

The DFHA has carried out a voter registration to counter this (125 registered) and is considering putting up a candidate in the local elections due in 2009. We are meeting shortly

with the Chief Constable of Essex to discuss the role of the police in any future eviction and our concerns over the use of private bailiffs. We have submitted a 26-page document

and DVD showing that Constant & Co. the biggest bailiff firm which is being hired by Basildon, have in the past burned huts, caravans and mobile-homes, placed children in danger with

heavy machinery, ignored health and safety regulations and failed to disclose Risk Assessment Reports which we say should be shared with us before eviction is attempted. An important

factor will be the opening of the Saint Christopher Centre as a school by Prof Heppell and we very much hope that our community will be allowed to take this step, as education is the most important factor in our development.

16. Reasons why this is a good focus case for the Advisory Group. Ideas on what the Advisory Group could do to contribute to the successful resolution of the case. Since the 1996 Criminal Justice Act when the Government of the day advised Travellers and Gypsies to buy their own land, hundreds of families have

been evicted following refusal of planning permits (at least 90% are rejected). These families have become "internal refugees" moved on by police under s62 every few days. Some have even taken refuge at Dale Farm, having relations there. Dale Farm, the largest such Traveller village in the UK, has become a high profile case and, in a sense, the future of all Traveller and Gypsy families without a legal home hangs in the balance with the future of Dale Farm. It has become the most prominent "test case" of British Government and UK local government towards Gypsies and Travellers, who number altogether some 350,000. According a report by the Commission for Racial Equality, we are the most discriminated against minority in the country - and we've been here for 500 years. We were listed for extermination by the NAZIS and the tide of racism has lately risen to dangerous levels, which is reflected in the British press with such headlines STAMP ON THE CAMPS. The listing of DALE FARM for monitoring by the Advisory Group will be a great help in letting the public and local authorities know that it is now acceptable to evict families without providing somewhere for them to go to. The setting up of a Register of all threatened evictions will be useful to the central Government to show where official pressure needs to be brought to bear to bring a local council, like Basildon, into line with government policy. It will also lend hope and encouragement to our families all over the UK who have in many cases been reduced to a state of despair by constant harassment and evictions, a vicious move-on circus which seems never, so far, likely to come to an end. We have been forced to live "illegally" by the Criminal Justice Act, which has outlawed our traditional way of life. Please help us come in from the cold.